

Wetlands Bureau Decision Report

*Reviewed by
WAT 1/10/12*

Decisions Taken
01/02/2012 to 01/08/2012

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2010-01532 COVENTRY LOG HOMES HAVERHILL Unnamed Wetland

Requested Action:

Retain 34,550 square feet of wetland fill and 18,380 square feet of temporary wetland impact that was completed without a permit (after-the-fact application) to construct a 1,500 linear foot access road to serve a 7-lot residential subdivision.

Conservation Commission/Staff Comments:

See extension agreement in file

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny A-T-F permit to retain 34,550 square feet of wetland fill and 18,380 square feet of temporary wetland impact that was completed without a permit (after-the-fact application) to construct a 1,500 linear foot access road to serve a 7-lot residential subdivision.

With Findings:

1. DES sent a "Request for More Information" letter dated September 21, 2010 addressed to the applicant and copied to the agent, which clearly identified the requirement that the applicant submit the requested additional information to DES within 60 days of the request, which was November 20, 2010.
2. On November 15, 2010, DES and the applicant entered into a mutually agreeable permit review time extension until January 14, 2011, to allow the applicant additional time to explore mitigation options that would adequately address the wetland mitigation rules and federal requirements.
3. On January 14, 2011, DES and the applicant entered into a mutually agreeable permit review time extension until February 14, 2011, to again allow the applicant additional time to finalize the mitigation package that would adequately address the wetland mitigation rules and federal requirements.
4. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request (or within the time allowed under the time extension), DES shall deny the application.
5. DES did not receive the requested additional information within the 60 days, nor within the allowed time extensions and therefore the application has been denied.

2011-01620 NH DEPT OF TRANSPORTATION SANBORTON Giles Brook

Requested Action:

Remove an accumulation of sediment upstream of the bridge and a small accumulation will be removed from downstream of the bridge impacting 2,125 sq. ft. (1,263 sq. ft. temporary) of palustrine and riverine wetlands.

Conservation Commission/Staff Comments:

Cons Comm. - no comments

Inspection Date: 08/26/2011 by Gino E Infascelli

APPROVE PERMIT:

Remove an accumulation of sediment upstream of the bridge and a small accumulation will be removed from downstream of the bridge impacting 2,125 sq. ft. (1,263 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project #99077Z

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 7/2/11 as received by the Department on Aug. 23, 2011.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no removal of stumps within the Designated Prime Wetland.
9. Work shall be during low flow.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that the project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The stream / wetland to be impacted is in previously disturbed areas from the construction of the existing bridge.
5. The proposed work will provide increased safety to the general public as it will reduce the possibility of further damage to the road.
6. No concerns have been received from the Conservation Commission or any other parties.
7. DES Staff conducted a field inspection of the proposed project on August 26, 2011 and found that all of the proposed impacts are in previously disturbed areas, will restore the channel to the size of when the bridge was constructed and / or the impacts are temporary and therefore have a minor impact.
8. A public hearing is not required prior to the issuance of the permit as the Department has not deemed this as necessary under RSA 482-A:8.
9. Based on findings #1-9 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

2011-02845 LINCOLN, TOWN OF
LINCOLN Pemigewasset River

Requested Action:

Impact 38,000 square feet of the bed and banks of the East Branch of the Pemigewasset River to protect the Lincoln Wastewater Treatment Plant and reconstruct the outfall structure. Work in jurisdiction includes 815 linear feet of bank stabilization by reconstructing and extending the existing rip-rap; and re-shaping the channel to maintain a forty foot width at the upstream end of the project area.

APPROVE PERMIT:

Impact 38,000 square feet of the bed and banks of the East Branch of the Pemigewasset River to protect the Lincoln Wastewater

Treatment Plant and reconstruct the outfall structure. Work in jurisdiction includes 815 linear feet of bank stabilization by reconstructing and extending the existing rip-rap; and re-shaping the channel to maintain a forty foot width at the upstream end of the project area.

With Conditions:

1. All work shall be in accordance with plans by KV Partners Consulting Engineers entitled Bank Stabilization and WWTP Outfall Reconstruction Project, Lincoln New Hampshire (Sheets 1-3 of 3) dated November 12, 2011 as received by the Department on November 08, 2011.
2. The permittee shall designate a qualified professional who will be responsible for monitoring construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be done during low flow.
5. The Permittee shall monitor the weather and not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
14. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a Major Project per Administrative Rule Env-Wt 303.02 (c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A report by Headwaters Hydrology stated that the August 2011 flood caused significant damage at the Lincoln Sewage Lagoons including undermining and removal of portions of the existing riprap bank protection, erosion of about 160 feet of the gravel access road near the upstream end of Lagoon #1, erosion and removal of portions of the access road gravel surface, damage to the wastewater outfall structure, and significant riverbank erosion near the downstream end of Lagoon #2. The riverbank eroded laterally by up to about 20 feet near the upstream end of Lagoon #1 and by as much as about 90 feet near the downstream end of Lagoon #2.
6. The NH DES Wastewater Engineering Bureau approved the bank stabilization and WWTP outfall Reconstruction on December 02, 2011.
7. The NHFG Nongame and Endangered Wildlife Program commented that although there was a NHB record present in the vicinity, they do not expect that it will be impacted by the proposed project.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2011-02498 HAVERHILL, TOWN OF
HAVERHILL Clark Brook

Requested Action:

Impact approximately 500 square feet of Clark Brook, a perennial stream, to repair a 10 foot culvert. Impacts include removing the 12 inch cement floor, lining the culvert with a 9 foot wide corrugated steel culvert, and stabilizing the headwalls.

APPROVE PERMIT:

Impact approximately 500 square feet of Clark Brook, a perennial stream, to repair a 10 foot culvert. Impacts include removing the 12 inch cement floor, lining the culvert with a 9 foot wide corrugated steel culvert, and stabilizing the headwalls.

With Conditions:

1. All work shall be in accordance with plans entitled Clark Brook Culvert and Clark Brook Replacement as received by DES on October 17, 2011.
2. Work shall be done during low flow.
3. The natural streambed elevation shall be restored at the inlet and outlet of culvert with natural stream materials.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
6. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

9. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
12. No equipment shall enter the water.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
20. Additional requests to dredge and/or fill in this area for repairs, replacement or road upgrades resulting from erosion or washouts shall not be considered or approved until a complete drainage analysis and assessment has been conducted by the applicant to determine if there is a more effective and practicable crossing design.
21. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (l) projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The culvert is on the State red list.
4. The Town stated that the existing structure is in danger of collapse.
5. The Town indicated that Clark Pond Road is a major connection between Route 10 and Route 116.
6. The Town stated that the existing culvert has had no history of contributing to flooding or damage to the crossing or other infrastructure.
7. The Town indicated that during significant flooding events the flow through the existing culvert has not exceeded half of the vertical dimension of the culvert.
8. There is a dam directly upstream of the structure.
9. The existing 12 inch cement invert is being removed.
10. The proposed project is for minimal repairs to an existing crossing and it would not be practicable at this time to replace the structure.
11. This permit is conditioned that any additional requests to dredge and/or fill in this area for repairs, replacement or road upgrades resulting from erosion or washouts shall not be considered or approved until a complete drainage analysis and assessment has been conducted by the applicant to determine if there is a more effective and practicable crossing design.
12. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
13. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2011-02740

GARDNER LIVING TRUST, JILL

ALTON Lake Winnepesaukee

Requested Action:

Permanently remove an existing "U" shaped seasonal docking system and concrete anchor pad, install a "W" shaped seasonal

docking system consisting of a 6 ft x 45 ft seasonal dock connected to two 4 ft x 45 ft seasonal docks by two 6 ft x 12 ft seasonal walkways, install a 7 ft x 3 ft concrete anchor pad and two 5 ft x 3 ft concrete anchor pads, and install a 14 ft x 40 ft seasonal canopy and a 14 ft x 30 ft seasonal canopy over the center slips on an average of 235 ft of shoreline frontage, on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:
Con Com has no concerns

APPROVE PERMIT:

Permanently remove an existing "U" shaped seasonal docking system and concrete anchor pad, install a "W" shaped seasonal docking system consisting of a 6 ft x 45 ft seasonal dock connected to two 4 ft x 45 ft seasonal docks by two 6 ft x 12 ft seasonal walkways, install a 7 ft x 3 ft concrete anchor pad and two 5 ft x 3 ft concrete anchor pads, and install a 14 ft x 40 ft seasonal canopy and a 14 ft x 30 ft seasonal canopy over the center slips on an average of 235 ft of shoreline frontage, on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 08, 2011, as received by the NH Department of Environmental Services (DES) on December 20, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 45 feet from the shoreline at full lake elevation.
6. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
7. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the criteria for minimum impact structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 235 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2011-02792 RILEY, LINDA/TIMOTHY
LACONIA Lake Winnepesaukee

Requested Action:

Repair an existing piling supported 6 ft x 28 ft 6 in dock, install a seasonal boatlift and seasonal canopy in the westerly slip, and install 2 seasonal personal watercraft lifts adjacent to the shoreline on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

Con Com has concerns about frontage , application states 140 feet, tax maps indicate less than 75 feet

DENY PERMIT:

Repair an existing piling supported 6 ft x 28 ft 6 in dock, install a seasonal boatlift and seasonal canopy in the westerly slip, and install 2 seasonal personal watercraft lifts adjacent to the shoreline on Lake Winnepesaukee, in Laconia.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department.
2. This project is classified as a minor impact per Rule Env-Wt 303.03(d), construction or modification of a docking facility that exceeds the criteria for minimum impact docks.
3. In accordance with RSA 482-A:11, II Administrative Provisions. "Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant."
4. In accordance with RSA 482-A:11, II Administrative Provisions. "No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."

Findings of Fact

1. On November 1, 2011, the Wetlands Bureau received an application for surface water impacts on the lot identified as Laconia tax map 180, lot 346-18, to repair an existing piling dock, install a seasonal boatlift and seasonal canopy in the westerly slip, and install 2 seasonal PWC lifts adjacent to the shoreline on Lake Winnepesaukee, in Laconia.
2. On November 1, 2011, the Wetlands Bureau received comments from the local Conservation Commission. The comments noted that while the application indicated 139.9 feet of frontage, the local Conservation Commission GIS system indicated a frontage of only 75 feet.
3. The tax map submitted with the application materials indicates 76 linear feet of frontage along Lake Winnepesaukee.
4. The plan submitted with the application indicates an average of 139.9 feet of shoreline frontage along Lake Winnepesaukee.
5. A review of File # 1998-1108 found a deed for the lot and a stamped surveyed plan. Both the deed and the stamped surveyed plan indicate the lot has only 76 feet of frontage.
6. On November 28, 2011, the Wetlands Bureau issued a Request for More Information letter to the applicant. This letter requested check for \$492 in outstanding filing fees.
7. The Request for More Information letter referenced the comments by the local Conservation Commission, the tax map submitted with application, review of stamped surveyed plans and deed within DES file 1998-1108 indicating that the lot had not more than 76 feet of frontage in comparison to the information submitted with the application indicating an average of 140 feet frontage. The Letter requested either information to support the claim of the additional frontage or plans accurately indicating the length of frontage and location of property lines.
8. The Request for More Information letter requested a signed, notarized waiver of the 20-foot setback from the owner of the lot in question for any work within the abutter's 20 ft setback.
9. The Request for More Information letter requested plans indicating that all structures would be located in front of the Applicant's frontage.
10. On December 9, 2011, the Wetlands Bureau received a response to the Request for More Information letter. This response included a stamped surveyed plan of the lot indicating approximately 145 feet of shoreline frontage.
11. The response did not include the required fee.
12. A search of deeds available online for the property found evidence that the applicant may not retain ownership of the subject lot. It appears the ownership of the lot was not transferred with the sale of the back lot, lot 28, to the Applicant.

Rulings in Support of Denial

1. The applicant did not submit clear evidence the project location was on property owned by the applicant, therefore pursuant to RSA 482-A:11, and in accordance with RSA 482-A:3, the application is denied.
2. The applicant did not submit clear evidence the proposed project was located entirely in front of frontage they owned and would

not adversely affect the abutter. Therefore in accordance with RSA 482-A:11, the application is denied.

2011-03180 GALLANT ET AL, JANE
GILFORD Lake Winnepesaukee

Requested Action:

Replace an existing 9 ft x 60 ft permanent dock with a 9 ft x 59 ft 4 inch docking structure supported by a 9 ft x 16 ft crib and 8 piles, install a three pile ice cluster and two tie off piles on an average of 277 feet of frontage on Birch Island, Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:

No Comments from local Con Com by Jan 04, 2012

APPROVE PERMIT:

Replace an existing 9 ft x 60 ft permanent dock with a 9 ft x 59 ft 4 inch docking structure supported by a 9 ft x 16 ft crib and 8 piles, install a three pile ice cluster and two tie off piles on an average of 277 feet of frontage on Birch Island, Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated December 6, 2011, as received by the NH Department of Environmental Services (DES) on December 20, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of tie off piles and ice clusters which do not add boatslips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project reduces the dock length to meet the requirements of Env-Wt 402.21 for the addition of the ice cluster and tie off piles.
6. The applicant has an average of 277 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2011-02451 WASHINGTON, TOWN OF
WASHINGTON Unnamed Stream

Requested Action:

Confirm Emergency Authorization issued on August 29, 2011 to impact 239 square feet of unnamed intermittent stream for the replacement of a failed 24-inch CMP culvert with a 49-inch x 33-inch arch CMP.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization issued on August 29, 2011 to impact 239 square feet of unnamed intermittent stream for the replacement of a failed 24-inch CMP culvert with a 49-inch x 33-inch arch CMP.

With Findings:

1. This project is classified as a minimum impact project per Env-Wt 903.01(e), Tier 1 culvert replacement.
2. The authorization was necessary to repair the failed culvert and road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 29, 2011.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2011-03060 ALBRECHT FAMILY REALTY TRUST
TUFTONBORO Lake Winnepesaukee

Requested Action:

Replace an existing seasonal pier with a 6 ft x 40 ft seasonal pier and excavate 573 sq ft along 26 linear ft of shoreline to construct a 573 sq ft perched beach on an average of 130 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

APPROVE PERMIT:

Replace an existing seasonal pier with a 6 ft x 40 ft seasonal pier and excavate 573 sq ft along 26 linear ft of shoreline to construct a 573 sq ft perched beach on an average of 130 ft of frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised January 3, 2012, and received by the NH Department of Environmental Services (DES) on January 3, 2012.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), alteration of a 2 slip, seasonal docking system and Administrative Rule Env-Wt 303.04(m), alteration of less than 50 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-03111 HANCOCK, TOWN OF
HANCOCK Unnamed Stream

Requested Action:

EMERGENCY AUTHORIZATION ISSUED 12/12/11 - Replace failed twin 12 in. culverts with twin 15 in. culverts and extend 3 ft. at each end.

CONFIRM EMERGENCY AUTHORIZATION:

EMERGENCY AUTHORIZATION ISSUED 12/12/11 - Replace failed twin 12 in. culverts with twin 15 in. culverts and extend 3 ft. at each end.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 302.04(j).
2. The project was necessary to replace failed culverts on Fairfield Road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on Dec. 12, 2011.
4. Review of the follow-up report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

FORESTRY NOTIFICATION

2011-03214 WALLS, MICHAEL/CAROLE
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 10, Lot# 99

2011-03215 MARTIN, JON
BRIDGEWATER Unnamed Stream

COMPLETE NOTIFICATION:
Bridgewater Tax Map 407, Lot# 9

2011-03216 MESPELLI, PETER
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
Campton Tax Map 8, Lot# 4-45

2011-03217 REED, WADE
CAMPTON Unnamed Stream

COMPLETE NOTIFICATION:
Campton Tax Map 17, Lot# 8-12

2011-03218 MAILHOT, RAYMOND
WESTMORELAND Unnamed Stream

COMPLETE NOTIFICATION:
Westmoreland Tax Map R3, Lot# 50

2011-03223 ROTHWELL, MARYANN
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map U9, Lot# 16

2011-03225 GREEN ACRE WOODLANDS INC
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 4, Lot# 3-7

2011-03227 JOHNS, RONALD
HEBRON Unnamed Stream

COMPLETE NOTIFICATION:
Hebron Tax Map 9, Lot# 11

2011-03229 HARRIS III, DELBERT
BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:
Bradford Tax Map 10, Lot# 18

2011-03230 HODGMAN, MARY
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 4, Lot# 2

2011-03231 HODGDON II, HERBERT
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map R12, Lot# 1

2011-03237 CAMP MENOTOMY TRUST
MEREDITH Unnamed Stream

COMPLETE NOTIFICATION:
Meredith Tax Map 507, Lot# 1

2011-03238 SCHASTNY, CAROLINE
WILTON Unnamed Stream

COMPLETE NOTIFICATION:
Wilton Tax Map C, Lot# 45

2011-03239 SILVERMAN, SIDNEY
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax Map 39, Lot# 28

2012-00001 **TOKER, BRUCE**
CHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Chester Tax Map 1 Lot# 61

2012-00002 **PATRIANI, ARNOLD/JANICE**
MADISON Unnamed Stream

COMPLETE NOTIFICATION:
Madison Tax Map 222, Lot# 20, 21, 22

2012-00003 **SAWYER, SHELDON**
WALPOLE Unnamed Stream

With Conditions:
Walpole Tax Map 5, Lot# 4-5

2012-00004 **RICHARD TRUST, WALTER**
LYMAN Unnamed Stream

With Conditions:
Lyman Tax Map 225, Lot# 1

2012-00012 **DANIEL WEBSTER COUNCIL**
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:
Gilmanton Tax Map 406, Lot# 48

2012-00013 **RANDOLPH, TOWN OF**
RANDOLPH Unnamed Stream

Conservation Commission/Staff Comments:
This a renewal of 09-2388 Forestry file. No new crossings.

COMPLETE NOTIFICATION:
Randolph Tax Map R2, Lot# RCF

2012-00014 **HILL, DAVID/SARAH**
LANCASTER Unnamed Stream

COMPLETE NOTIFICATION:
Lancaster Tax Map R7, Lot# 4, 5, 6

EXPEDITED MINIMUM

2011-03207 FAR ECHO HARBOR ASSOCIATION, RAYMOND HALL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair "in kind" a 50 slip major docking facility consisting of a one 3 ft 9 in by 143 ft piling pier with twelve 2 ft x 20 ft piling supported finger piers located southerly and a 3 ft 9 in by 157 ft piling pier with fourteen 2 ft by 20 ft piling supported fingers piers to the north, with four ice clusters at the lakeward end of the docking facilities, and 24 tie off piles on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair "in kind" a 50 slip major docking facility consisting of a one 3 ft 9 in by 143 ft piling pier with twelve 2 ft x 20 ft piling supported finger piers located southerly and a 3 ft 9 in by 157 ft piling pier with fourteen 2 ft by 20 ft piling supported fingers piers to the north, with four ice clusters at the lakeward end of the docking facilities, and 24 tie off piles on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Ambrose Marine Construction dated December 15, 2011, as received by the NH Department of Environmental Services (DES) on December 27, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

GOLD DREDGE

2011-03224 WALKER, CHESTER
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-00015 TETREAULT, NORMAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-00030 LUND, TERRY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2012-00031 TAYLOR III, GERALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

CSPA PERMIT

2011-03122 BLUEBERRY REALTY TRUST
PELHAM Little Island Pond

Requested Action:
Impact 1,000 sq ft in order to raze an existing boathouse, construct a new storage building 4 feet landward, and add improvements to the septic system.

APPROVE PERMIT:

Impact 1,000 sq ft in order to raze an existing boathouse, construct a new storage building 4 feet landward, and add improvements to the septic system.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated August 12, 2011 and received by the NH Department of Environmental Services (DES) on December 14, 2011.
2. All impacts within surface waters and their banks shall require a Wetland Permit under RSA 482-A prior to the start of work.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
4. No more than 71.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-03164 DAUPHIN, CHERYL
STODDARD Highland Lake

Requested Action:

Impact 60 sq ft in order to construct a 10ft x 6ft addition to the existing house.

APPROVE PERMIT:

Impact 60 sq ft in order to construct a 10ft x 6ft addition to the existing house.

With Conditions:

1. All work shall be in accordance with plans by Smooth Sailing Surveys dated November 2, 2009 and received by the NH Department of Environmental Services (DES) on December 19, 2011.
2. No more than 16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 834 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2009-02749 BANYAS REVOCABLE TRUST, VANESSA
MIRROR LAKE Lake Winnepesaukee

Requested Action:

Owner requests an amendment to shift the housing unit to conform with local setbacks and move the housing unit further from the reference line.

APPROVE AMENDMENT:

Impact 1,797 sq ft for the purpose of replacing a manufactured housing unit and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by White Mountain Survey Co., Inc. dated November 17, 2011 and received by the Department of Environmental Services ("DES") on December 28, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface systems Bureau.
5. The project as proposed will leave approximately 1,713 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,131 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
8. The proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
9. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to achieve a greater setback from the reference line.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip lines of the new structure.
5. The applicant has proposed to plant additional native, natural vegetation within the natural and woodland buffers.
6. The applicant has proposed to install stormwater controls and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02750 BANYAS FAMILY REVOCABLE TRUST
MIRROR LAKE Lake Winnepesaukee

Requested Action:

Owner requests an amendment to shift the housing unit to conform with local setbacks and move the housing unit further from the reference line.

APPROVE AMENDMENT:

Impact 2,297 sq ft for the purpose of replacing a manufactured housing unit and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by White Mountain Survey Co., Inc. dated November 17, 2011 and received by the Department of Environmental Services ("DES") on December 28, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the Department by certified mail, return receipt requested.
3. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The project as proposed shall not impact any native vegetation within the natural woodland buffer in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to; any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to achieve a greater setback from the reference line.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip lines of the new structure.
5. The applicant has proposed to plant additional native, natural vegetation within the natural and woodland buffers.
6. The applicant has proposed to install stormwater controls and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

FORESTRY W/PRIME WETLAND

**2011-03071 MANCHESTER WATER WORKS, CITY OF
HOOKSETT Prime Wetland #71**

Requested Action:

Install 3 wetland crossings for timber harvesting operation: 1) Install temporary skidder bridge to cross a perennial stream with stony bottom 6 feet bank to bank crossing; 2) Construct 16- 20' corduroy crossing across forested wetlands less than 6 feet wide and 3) Install temporary skidder bridge across a seasonal stream all located outside of prime wetland buffer area. Harvest timber within 100 foot buffer of Hooksett prime wetland # 71 as a selective improvement harvest to thin 35 - 40 % of the basal area.

COMPLETE NOTIFICATION:

Install 3 wetland crossings for timber harvesting operation: 1) Install temporary skidder bridge to cross a perennial stream with stony bottom 6 feet bank to bank crossing; 2) Construct 16- 20' corduroy crossing across forested wetlands less than 6 feet wide and 3) Install temporary skidder bridge across a seasonal stream all located outside of prime wetland buffer area. Harvest timber within 100 foot buffer of Hooksett prime wetland # 71 as a selective improvement harvest to thin 35 - 40 % of the basal area.

With Conditions:

1. Work shall be done in accordance with the Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, 2002.
2. A twenty five foot buffer, no ground equipment use and with a cut of 15 % basal area shall be retained around and shall include all very poorly drained soils, marsh or open water areas at the property.

3. The land owner and agent shall ensure that prime wetland # 71 high functions of Ecological Integrity, Wildlife Habitat, Visual Quality, Water-Based Recreation, Floodwater Storage, Sediment Trapping, Shoreline Anchoring shall be maintained during and following this project.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow and during frozen or dry conditions.
6. Applicant is to notify the Hooksett Conservation Commission prior to start of work.

With Findings:

1. The Manchester Water Works ("MWW") has a long history of responsible forest management and the scheduled harvest is maintaining the integrity in forest ownership.
2. This property was added to the Manchester Water Works holding in the 1940s.
3. The subject woodlot has not been managed in the past 30 years. The timber has reached a point where thinning is required for responsible forest management.
4. The proposed harvest within 100 foot buffer of the Hooksett prime wetland # 71 and is proposed as a selective improvement harvest.
5. The proposed harvest will thin approximately 35- 40 percent of the basal area, except for the 25 foot buffer which shall have a 15% basal area cut.
6. No cutting is proposed in the very poorly drained areas and these areas have been clearly marked with 3 slash marks. Maintaining the 25 foot buffer with no ground equipment to this area will ensure that these areas will not be impacted.
7. Three proposed wetland crossings are located outside the prime wetland buffer area.
8. Harvest is proposed in frozen or dry conditions and located on well drained upland soils.
9. The Hooksett Conservation Commission does not have a concern with the project as long as work is done under frozen conditions.
10. The Fish and Game Department has no concerns for the project as long as work is done under frozen conditions.

